Line Manager Guide

How to Manage and Conduct Return to Work Meetings (Interviews)

Introduction

The fit note, or 'Statement of fitness for work', is a statement provided by an Employee's GP, hospital doctor or other healthcare professional. From 1st July 2022, fit notes may be issued by:

- Nurses.
- Occupational Therapists.
- Pharmacists and
- Physiotherapists.

Introduction

One of the main tools used in effective sickness absence management is return-to-work interviews.

A return-to-work interview is a meeting between the Employer and an Employee who is returning to work after a period of sickness absence. The interview is usually conducted by the Employee's Line Manager.

In relation to long-term sickness absence, return-to-work interviews will normally take place prior to the actual return to work of the Employee. This is because details of a possible phased return or adjustments may need to be discussed in advance of the date that the Employee starts back at work.

Although the term 'return-to-work interview' sounds formal, the meetings are generally of an informal nature and are intended to facilitate an Employee's return from a period of sickness absence and allow the Employer to check that they are well enough to be back at work.

Role of return-to-work interviews in short-term and long-term sickness absences

A return-to-work interview can encourage dialogue and open communication between Line Managers and Employees after a period of absence.

Return-to-work interviews have slightly different roles in relation to short-term and long-term sickness absence.

In relation to short-term sickness absence, the return-to-work interview:

- Provides the Employer opportunity to discuss the reason for the Employee's sickness.
- Provides the Employer opportunity to discuss the Employee's attendance levels in general.
- Allows the Employer to ascertain if the Employee consulted a doctor.
- Helps the Employer identify any possible underlying causes of regular sickness absence at an early stage, for example if the sickness absence was work related or if there are any problems at home.
- Demonstrates that the absence management policy is being managed consistently.
- Shows the Employee that the Line Manager is concerned about their health and wellbeing and is working with them to help reduce the likelihood of the absence reoccurring; and
- Discourages casual absence.

In relation to long-term sickness absence, the role of the return-to-work interview is to facilitate discussion of the process around an Employee's return to work and to help achieve a smooth and effective return to the workplace. *As such, it often takes place prior to the Employee's return to work*. Although some of the areas discussed at this interview will be the same as for short-term absences, the approach slightly differs.

Where long-term sickness absence is concerned, the return-to-work interview:

- Demonstrates to the Employee that the absence management policy is implemented consistently.
- Encourages open communication between the Employer and the Employee about the best ways to facilitate a smooth and effective return to work.
- Enables discussion regarding the possibility of a phased return to work and/or any adjustments that may need to be made in the work environment.
- Shows the Employee that the Line Manager is concerned about their health and wellbeing and is looking to work pro-actively with the Employee to facilitate their return; and
- Allows the Employer to identify work plans and/or priorities when the Employee returns to work.

The Employer should ensure that return-to-work interviews are conducted consistently and correctly as part of an absence management policy. This can help to bring about an improvement in sickness absence levels by discouraging absence that is not genuinely for reasons related to sickness. It can also help to ensure that returning Employees receive the necessary support and that those who have been on long-term sickness absence reintegrate to the workplace as quickly and as smoothly as possible.

Deciding on a policy on return-to-work interviews
It is important for the Employer to establish how return-to-work interviews fit into the organisation's absence management policy. The Employer needs to identify who should conduct return-to-work interviews to ensure clarity and consistency of practice across the organisation. In most instances the interviews will be conducted by the absent Employee's Line Manager, but in some cases, it may be appropriate for HR to conduct the interview. This will normally depend on the complexity of the absence history and the Line Manager's competence and experience in conducting return-to-work interviews.

The Employer will need to decide when return-to-work interviews are conducted. It is good practice to conduct an interview after every period of sickness absence as this helps address any possible issues as early as possible and also helps discourage casual sickness absence. However, some organisations conduct return-to-work interviews only after a specific amount or pattern of sickness absence.

The Employer also needs to decide whether interviews will be formal or informal. In most cases the interviews are informal so as to put the Employee at ease, but a record of the meeting is retained, and the Employer should record what was discussed at the meeting on a form.

Where Employees complete a sickness self-certification form on their return from a period of sickness absence, the return-to-work form can be kept alongside this.

Having a record of the interview and absence ensures that any patterns of sickness absence can be quickly and easily identified, and that relevant people have the information they need.

A return-to-work interview form could include provision to record the:

- name of the person who conducted the interview.
- Employee's name and job title.
- date and time of the interview.
- first day of the absence and the length of the absence.
- date of the Employee's return to work.
- reason given for the absence.

And whether

- the Employee gave proper notification of the absence and, if not, why not.
- the Employee consulted a doctor or attended hospital.
- there is any evidence that factors at work may have caused or contributed to the absence and, if there is, what these factors were and what action has been agreed to support the Employee.

- the absence is part of an overall pattern; and
- the Employee's absence was as a result of a disability.

The Employer also needs to ensure that all Employees are aware of the policy on return-to-work interviews, so that they are not surprised or concerned when they are invited to attend an interview.

It should be made clear in the policy that the interviews are intended to be supportive and not a way of reprimanding individuals for being absent from work due to sickness.

To comply with its data protection obligations, the Employer should ensure that only the minimum information necessary is recorded. It must treat the record as confidential and keep it securely and for no longer than is necessary.

Where the Employer is recording information about Employees' health, this falls into the special categories of personal data under the General Data Protection Regulation (GDPR).

To be able to process this data, the Employer must have in place a policy document that explains how it will comply with the principles of the GDPR in relation to the special category personal data and that sets out its policies on retention and erasure of the data.

Training in conducting the interview

Discussing sickness absence with their Employer can arouse strong emotions in Employees and it is advisable for the Employer to provide those who conduct return-to-work interviews with training to help them conduct the interviews effectively and manage sensitive conversations with their Employees.

Training will help to ensure that those who conduct the interviews are adequately skilled to do so.

In the training, the Employer should cover:

- How return-to-work interviews fit into the absence management policy.
- How return-to-work interviews differ for short- and long-term sickness absences.
- How to arrange an interview.
- How to prepare for an interview.
- How to conduct an interview including how to ask open questions using pauses to allow the Employee to speak and open up and how to talk about sensitive issues.
- What needs to be recorded at the meeting.
- How to action any outcomes from the meeting; and
- How to recognise when an Employee might have a disability.

NB: Managers conducting interviews in the interests of good practice should also be trained on their data protection responsibilities in relation to information about Employees' health.

Setting up the interview

The person responsible for conducting the return-to-work interview should invite the Employee to attend the interview in line with the agreed absence management policy.

In the case of long-term sickness absence, a return-to-work interview will be part of an overall return-to-work process, and the interview should take place prior to the first day back at work for the Employee. This will allow adequate time to introduce any adjustments that may be required. This interview will usually take place in the office, but in some circumstances the parties could arrange for it to take place over the telephone, at a neutral venue or at the Employee's home.

In relation to short-term sickness absence, the return-to-work interview will usually take place on the Employee's first day back to work following a period of sickness absence. The person responsible for conducting the meeting needs to arrange a suitable location for the meeting. To ensure an effective interview, it should be held in private, comfortable surroundings with no time constraints.

Discussing sickness absence can be emotional and worrying for the Employee so every attempt should be made to put the individual at ease as it may be that the Employee is considering discussing a sensitive, personal issue with their Line Manager and the right environment will help and support the Employee to feel comfortable about doing this.

The Employer should ensure that return-to-work interviews are also conducted for homeworkers. The interview can, for example, be conducted over the telephone or using Zoom or Teams.

Preparing for the interview
Prior to the interview, the interviewer should identify the key points that will be covered during the return-to-work interview. *If a form for recording the main points of the interview is available, this can be used as an agenda for the meeting.* The interviewer should have to hand information on the Employee's previous sickness absence levels and reasons for sickness to discuss any patterns or potential underlying factors. The interviewer should gather information on any revised work plans or organisational or team changes, especially if the Employee has been absent from work for a long period of time.

If the interviewer has any reasonable grounds to believe that the Employee's absence was not genuinely for the reason provided, they should gather any relevant evidence to put to the Employee directly at the interview.

Conducting the interview
The Employer should conduct return-to-work interviews promptly, consistently, and sensitively. Poorly conducted interviews can turn motivated Employees who have been genuinely sick into disgruntled Employees. It is important that the Employer treats every case individually. For example, a return-to-work interview with an Employee who is returning to work after the first period of absence in five years will not need to be as in-depth as a return-to-work interview with an Employee who has had several periods of sickness absence within a 12-month period.

At the return-to-work interview, the Employer should cover:

- The length of the absence and when the Employee returned to work.
- The reason given for the absence and if there is any discrepancy between the Employee's stated reason for absence and the information given on original notification of the absence the Employer should ask the Employee to explain the discrepancy.
- Whether the Employee gave appropriate notification of absence and, if not, why not.
- Whether the Employee consulted a doctor or attended hospital.
- Any paperwork regarding the absence, for example a fit note or sickness self-certification form.
- Whether the Employee is well enough to be at work, and whether they might benefit from lighter duties for a period of time. (Through open conversation).
- Whether there is any assistance that the Employer might be able to provide to help prevent the sickness reoccurring, for example counselling or physiotherapy.
- Whether the absence was due to an ongoing health condition and, if so, what care plan is in place.
- An update on any organisational, team or work issues (changes, processes, etc) that have occurred while the Employee was absent from work.
- Whether there is evidence of any factors at work that caused or contributed to the absence and, if there is, what these factors were and what action can be taken to support the Employee.
- Whether the absence is part of an overall pattern of absence; and
- Where the Employee has a disability, whether the absence was related to the disability.

Where the person conducting the return-to-work interview has reasonable grounds to believe that the Employee's absence was not for the reason provided, they should put this to the Employee so that the Employee has the opportunity to respond and provide an explanation.

It may be that the Employee has an issue at home, for example having to care for an elderly relative, which resulted in the Employee being absent and claiming that they were sick. The Employee might, with good reason, be concerned about divulging this information, having not initially been honest about the absence, but, once the information is shared, the Employer can look at implementing possible adjustments or flexible working to remove the need for this type of unauthorised absence.

It is important that the interview is a two-way, constructive, and supportive conversation to ensure that the required facts can be gathered. When conducting a return-to-work interview, the Employer should:

- Listen to the Employee.
- Concentrate on fact finding.
- Use open questions to encourage the Employee to talk and engage with the process.
- Remain open-minded.
- Use questions that balance the need to gather enough information to understand the reason(s) for the sickness absence with the need to respect the Employee's privacy; and
- Ensure that the boundaries of confidentiality are set out and understood, for example that the interviewer will record the information and that it will be held on file but that no information from the interview will be passed on to the Employee's colleagues.

The Employer should pass a copy of the record of the return-to-work interview to the Employee.

Outcome of the interview
Once the return-to-work interview has been completed, the Employer needs to decide whether any immediate action needs to be taken.

For example, if the interview reveals an acute or chronic condition, the person conducting the interview may need to involve other departments such as occupational health.

If there is evidence that the Employee's absence was not genuine or for the reason provided, then further investigation will be required, which could lead to disciplinary action.